"The Need for a Paradigm Shift in U.S. Foreign Policy to North Korea"

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House Foreign Affairs' Subcommittee on Asia, February 12, 2009

Rayburn House Office Building, Room 2172

Mr. Chairman and distinguished members of the Subcommittee, thank you for the opportunity to appear before you today. I offer my personal thoughts to you today on North Korea based on my experience working this issue for the White House as our deputy head of delegation to the Six Party talks, and based on my research on the country as an author and academic.

I will focus my remarks on where we go from here with North Korea and Six Party talks. I have submitted a longer statement for the record about the broader context, history, and challenges of U.S. policy to this country.

I think the President would be best served by following the basic outlines of the policy that characterized the second term of the Bush administration, with some notable exceptions. He will inherit a Six Party process that has effectively mobilized key regional players, most importantly China, and has achieved a working disablement of the main nuclear facility at Yongbyon.

President Obama's very capable Asia team will need to implement the verification protocol for the North's nuclear declaration as early as possible to ensure that the plutonium facilities in Yongbyon are continuously monitored and degraded.

The third phase, or dismantlement negotiation, will be even more difficult than the prior two negotiated agreements (September 2005 and February 2007). A key priority will be to address the ambiguities left by the earlier agreements on North Korea's proliferation activities and its uranium-based nuclear activities.

The Need for a Paradigm Shift

In addition to pursuing this Six Party track, I believe the Obama administration needs to consider a "paradigm shift" of sorts in its overall policy to the DPRK. This consists of three components.

First, it must find a way to integrate a discussion on North Korea's ballistic missile programs into the Six Party talks. Press reports show North Korea is plowing full-steam ahead with its engine-testing, launch-pad building, and missile-designing activities even as it negotiates a disablement of its nuclear program. This might be added as another working group in the Six Party process (in addition to the five: U.S.-North Korea, Japan-North Korea, denuclearization, energy assistance, and multilateral peace mechanism). Pyongyang will not give up its missiles for free, so the United States must tie the missile negotiations to incentives in its normalization and energy working group processes.

Second, the next administration needs to consider a separate trilateral dialogue among the United States, South Korea and China. The North Korean leader's time in office is limited

given his rather serious health problems. While the United States and South Korea have restarted planning on how to respond to a sudden collapse scenario north of the 38th Parallel, they need to also begin a quiet discussion with China.

The purpose of such a discussion would be to create some transparency about the relative priorities and likely first-actions by the three parties in response to signs of political instability in the North. Presumably, we would be interested in securing weapons and materials, and South Korea would be interested in restoring domestic stability. China would be interested in securing its border against a mass influx of refugees. Coordination in advance helps to minimize misperception and miscalculation in a crisis. Koreans are suspicious about China's intentions in a North Korean collapse scenario given Beijing's investment in the North's mineral resources, but such a three-way discussion is important to ensuring China's support in any United Nations Security Council resolutions that might accompany sudden change in the North.

Third, the Obama administration should not feel obliged to make a presidential meeting with the North Korea the banner of its policy as it did during the campaign. This is not in U.S. or South Korean interests.

Some may argue that an early meeting by the president (or vice-president) might be a good way to accelerate the negotiation process. Nothing could be further from the truth. The president of the United States is not a negotiator. He should not be treated as one.

Only after the denuclearization process is near completion should a presidential meeting even be considered. Hard-liners in Pyongyang will view the new Obama presidency as

weak (electoral victories do not resonate with dictators), inexperienced and completely overwhelmed by two wars and a financial meltdown. To offer a presidential meeting amidst this mess would not only look amateurish, it would confirm the hard-liners' views of American weakness and inexperience.

There is no denying, however, that if we want to move the denuclearization process more quickly, we need to reach higher into the Pyongyang leadership beyond the Foreign Ministry officials it has been trotting out for the last 16 years. In the course of Six Party talks, when the North Koreans were slow to make decisions, we challenged them to bring people from the Dear Leader's office or from their National Defense Commission to their delegation who could make quicker decisions, pointing to our own interagency team of State, White House and Pentagon.

This is why Mr. Obama might be best advised to move forward with the appointment of a senior envoy for Six Party talks.

Congress has long sought a senior coordinator on North Korea policy from the Bush administration. Such an appointment, whether from the White House or State Department, would compel Pyongyang to bring forth members of its National Defense Commission and other key agencies to negotiate in earnest for a final solution. Otherwise, the same Foreign Ministry officials from Pyongyang will show up at Six Party talks to stall and slow-roll the negotiations. Sending the new American president to North Korea is not the answer. But challenging North Korea to bring people to the Six Party talks who can make real decisions is.

In sum, the new administration should not be wide-eyed optimists. Instead, they should design a strategy that systematically tests DPRK denuclearization intentions and demonstrates U.S. political commitment to the process. If Pyongyang proves to be serious, then the Six Party partners will press the negotiation harder, moving to the final phase of nuclear dismantlement. However, if Pyongyang does not fulfill its end of the agreement, then it will be clear to all where the blame sits for the breakdown of the agreement. This in turn will make it easier to build a multilateral coalition for a tougher course of action as needed.

As the North Goes, So Goes the Alliance

Getting North Korea policy right is important for achieving non-proliferation goals; however, it is also critical to longer-term alliance relations. A broader discussion of the implications of the DPRK negotiations for Seoul and Washington follows below.

"You know, I am not North Korea's lawyer, but you must understand how they see the world" was the preface often provided by some South Korean officials and academics as they launched into spirited defenses for why the Democratic Peoples' Republic of Korea (DPRK or North Korea) undertook a nuclear test in October 2006. The objective of these explanations was to prevent the United States from overreacting and to persuade Washington to seek continued engagement with the regime. For many Americans, the sight of anyone trying to defend the North after a nuclear test – a brazen act of international defiance -- was ludicrous, and for a treaty ally to do so, was unacceptable. The problem for the United States –Republic of Korea (ROK) alliance was

not a lack of communication regarding North Korea, as we understood very well the contorted logic and excuses that often seemed to apply only to North Korea, but that fundamental gaps sometimes emerged within the alliance about the threats posed by the regime.

Policy on North Korea is perhaps the most important challenge for future United States-Republic of Korea alliance interaction. During the cold war, there was very little daylight between the two allies on North Korea. Both adhered to a fairly rigid policy of containment and non-dialogue vis a vis the threat from Pyongyang.[1] Policy gaps on North Korea started to emerge with the process of democratization in Korea and with the end of the cold war. This was because democratization effectively made politically legitimate the voices of those who called for less containment and more engagement with the DPRK. Prior to democratization, anyone who expressed such a viewpoint under the military dictatorships was immediately considered "pro-communist" and therefore treasonous. As democratization expanded the range of politically legitimate views on North Korea in the South, the collapse of the Soviet Union opened the range of possible policies the United States might pursue with the DPRK beyond one dimensional cold war era containment. A watershed mark came with the June 2000 summit between ROK president Kim Dae Jung and DPRK leader Kim Jong-il in which the full spectrum of views on engagement and containment were cemented in the Korean polity.

[1] The détente years (1971-74) saw a small gap in policies. As the Nixon administration increased contacts with communist China and the Soviet Union, there were also small indications of an American willingness to engage in contacts with the North. The Park Chung Hee regime responded by opening secret contacts with Pyongyang through its intelligence agency, leading to a surprise announcement of a joint communiqué on July 4, 1972.

This spectrum of views has impacted the U.S.-ROK alliance through two basic dynamics. Tensions arise between Seoul and Washington at times when the United States is perceived to be too solicitous of the North while the ROK is advocating a tougher line. This was the predominant dynamic during the Clinton-Kim Young Sam years when the U.S. and DPRK were engaged in bilateral nuclear negotiations that made the South Koreans paranoid about alliance abandonment. Bob Gallucci, the lead U.S. negotiator for the 1994 Agreed Framework once quipped that after a long day of meetings with the North Korea, he would meet with the South Koreans to debrief them and would be met with the cynical question, "So, what did you give away today?" Alliance tension also rises when the United States is perceived to take a harder line while the ROK pushes for greater engagement with the North. Many will record that the first term of the Bush administration with the Kim Dae Jung and Roh Moo Hyun governments reflected this dynamic juxtaposing Bush's "Axis of Evil" speech and the ROK's "sunshine policy."

Three key issues account for the possibility of disagreement between the two allies: denuclearization, inter-Korean cooperation, and human rights. Washington has always prioritized denuclearization, to the criticism of some past ROK governments that have not seen this as the primary threat. On inter-Korean cooperation, the United States has generally sought South Korean cooperation in conditioning economic assistance to the North on its cooperation in the denuclearization process, while some ROK governments have preferred to advance inter-Korean economic cooperation separately (e.g, to help develop the DPRK economy and prepare for a "soft-landing" should

unification ever come). The third issue is human rights violations by the DPRK regime, which Washington has tended to emphasize while the ROK has not.

Denuclearization

The U.S. has worked with China, South Korea, Japan, Russia and the DPRK to create a denuclearization roadmap, known as the September 2005 Joint Statement of the Six Party Talks. The first implementation step was taken with the July 2007 shutdown of the Yongbyon nuclear facility from which the DPRK made plutonium for nuclear bombs, and the reintroduction of the IAEA for the first time in five years. In accordance with the February 13, 2007 Initial Actions agreement and the October 2007 "Second Phase" agreement, the Six Parties sought to achieve by the end of 2007 a full declaration (including HEU, plutonium, and nuclear devices) and permanent disablement of all DPRK nuclear facilities and activities. Despite delays, on June 26, 2008, North Korea destroyed the cooling tower at the Yongbyon reactor, and provided a nuclear declaration, effectively taking the world further in denuclearizing the DPRK than ever before. The Clinton administration ended its two terms in office having achieved a freeze-for-compensation formula with international monitoring of Yongbyon in exchange for supplies of heavy fuel oil. The Bush administration leaves to the Obama administration a status quo that has advanced beyond a freeze of the DPRK nuclear program to a permanent disablement of the plutonium-based facilities at Yongbyon. Issues still remain unresolved regarding a host of issues, including the North's undeclared nuclear sites, its uranium-based activities, and proliferation activities. Moreover, the road to this outcome

was far from smooth and included the accumulation of a larger stockpile of plutonium by the DPRK and a test of a nuclear device in October 2006.

As long as the next American president pursues diplomacy (positive and, if necessary, coercive) through the Six Party talks to denuclearize North Korea, this will help to minimize the room for differences with Seoul. A good indicator of this was Seoul's positive response to the Bush administration's October 2008 decision to remove North Korea from the terrorism blacklist in exchange for Pyongyang's agreement on a verification protocol for its June 2008 nuclear declaration. Many in Washington characterized Bush's decision to prematurely delist a country he once put in the axis of evil as a hail mary pass by an administration desperate for good news. The optics were undeniably bad as the delisting came after North Korean missile tests, the ejection of international inspectors from previously locked-down nuclear facilities, and good doses of fiery rhetoric against Seoul. The ROK, however, viewed it as a positive step that put in place a verification scheme which can facilitate the continued disabling and degrading of the North's nuclear capabilities.

In the end, the capacity for Washington and Seoul to stay on the same page regarding North Korea and the Six Party talks will depend on their relative patience in managing the "dilemma of DPRK unreasonableness." What this means is that Washington and Seoul engage in a Six Party process in which every agreement is negotiated with painstaking care; parties hammer out specific quid pro quos, timelines and the synchronization of steps, with concomitant rewards and penalties. Yet sooner or later, Pyongyang demands more than it was promised or does less than it should. While everyone accepts that North Korea is being unreasonable, they also realize that a failure

of the agreement could mean the failure of the talks and the precipitation of another crisis.

At the core of the fall 2008 impasse, for example, was the North's spurious claim that its June nuclear declaration was sufficient for it to be taken off the U.S. terrorism blacklist and that verification of the declaration was not part of the deal. As former deputy negotiator for the U.S. delegation to the six-party talks, I can attest that the North Koreans fully understood our need for verification as far back as the September 2005 joint statement (the road-map agreement) and the February 2007 "first phase" and October 2007 "second phase" implementation agreements, as did Seoul and the other participants. Yet while all express outrage at Pyongyang's petulance when it reneges on agreements, the parties, including South Korea, end up pressing the United States -- knowing full well that the North is at fault and is traversing the bounds of fairness and good faith but certain that the only chance of progress lies in American reasonableness. The result is that any additional American flexibility is widely perceived in the region as evidence of American leadership but is viewed in Washington as some combination of desperation and weakness. How well Seoul and Washington manage this balance will be important.

Inter-Korean Cooperation

As noted above, the U.S. preference is for Seoul to coordinate its inter-Korean economic cooperation with progress in Six Party talks. Without this condition, the provision of goods to the North reduces all incentives for Pyongyang to cooperate in the denuclearization talks. The Roh Moo-hyun government was less willing to provide

conditionality on economic handouts to Pyongyang. The Lee Myung-bak government, however, sees reciprocity by the North as an important condition of economic engagement. The South Korean rationale for such conditionality in inter-Korean assistance is not simply to "kowtow" to U.S. needs, but to judge that it is not in the ROK national interest to seek reconciliation with a North Korea that retains nuclear weapons. It is incumbent upon the ROK to portray the issue publicly in such a manner. If they do not, the risk is a popular view in Seoul (particularly among radicals) that the United States is standing in the way of Korean reconciliation.

One development that will improve U.S.-ROK policy coordination on North Korea is the diminished role of the unification ministry in Six Party policy. With the advent of the sunshine policy under Kim Dae Jung and then Roh Moo Hyun, Seoul placed a priority on inter-Korean reconciliation, effectively delinking this process from Six Party talks. The unification ministry was given a large budget for inter-Korean cooperation and was able to spend it without much oversight from either the economic ministries or the foreign ministry. The result was that the unification ministry gained a great deal of power within the ROK government, often operating at odds with the larger policy objectives of the Six Party talks partners. Holding the purse strings and operating with top-cover from the Blue House to improve inter-Korean relations, the unification ministry often engaged unconditionally with the North and disrupted the foreign ministry's ability to align the ROK's inter-Korean cooperation policies with the pace of Six Party talks. There were moments when the Roh government did condition inter-Korean assistance on North Korea's positive behavior in Six Party talks (e.g., after the October 2006 nuclear test), and this was effective in getting the North to agree to the

February 2007 agreement; however, this was not the norm.

Under Lee Myung-bak, the unification ministry has been substantially stripped of its power. Nearly 40 percent of the unification ministry's personnel have been cut and most of its once large budget has been redistributed to the economic ministries. The foreign ministry, moreover, has also taken back its role, along with the Blue House, in chairing the interagency coordination meetings from the unification ministry in which policy is hammered out (akin to the American Principals Committee meetings).

What this means for the alliance is that U.S. and ROK coordination on Six Party policy should be a lot smoother than it had been in the past. The reduced power of the unification ministry removes a specific bureaucratic obstacle to US-ROK policy coordination, reflecting the larger ideological shift from Roh Moo hyun to Lee Myung bak.

Human Rights

Human rights is one aspect of the DPRK problem on which the U.S. and ROK have hardly been on the same page. During the Kim Young Sam presidency, the ROK took a fairly tough line on human rights abuses by the DPRK, demanding among other things that Pyongyang return South Korean prisoners of war. Kim also criticized the Clinton administration for moving forward with its nuclear and political talks with Pyongyang in spite of ROK concerns. Some ten years later, George W. Bush made North Korea human rights abuses a major part of his policy, appointing the first-ever special envoy for DPRK human rights abuses (Jay Lefkowitz); overseeing the creation of programs for the first-ever resettlement of DPRK refugees in the United States; and inviting North Korean

defectors into the Oval Office. Having seen President Bush interact with these individuals, I believe his concerns for the people of North Korea were truly heartfelt. Yet in terms of alliance relations, Bush's emphasis on human rights did not sit well with the Kim Dae Jung or Roh Moo hyun governments who perceived many of these U.S. actions as code for a neoconservative desire to collapse the regime. Seoul categorically refused to make critical statements about DPRK human rights abuses, refused to vote for UN resolutions, and only with great difficulty agreed to language in US-ROK joint statements discussing the dire conditions of the North Korean people.

The Obama administration and the current Lee government in South Korea have the opportunity to reboot and realign their relative positions on human rights. Bush and Lee, both deeply religious men, took a step in this direction, agreeing to include a specific reference to DPRK human rights problems in their 2008 joint statement. And the ROK under Lee has voted for the annual UN resolution on North Korean human rights abuses (previous ROK governments did not). Whatever the specific measures, the benchmark for United States and the ROK should be to move beyond an agreement in words to achieving measurable steps that improve the lives of the people in the North.

Guiding Principles for the Future

The American president must approach the Six Party negotiations not as a wide-eyed optimist, but with a systematic strategy designed to test and push the North to nuclear dismantlement. It is entirely plausible that Pyongyang will attempt new provocations, both to test the next American president and to gain attention from a new administration distracted by Iraq, Afghanistan, Pakistan, and the financial crisis. In this regard, policy

gaps between the U.S. and South Korea are certainly possible. A new U.S. administration, needing to prove its bona fides, may be less tolerant of the inevitable North Korean antics because it perceives them as tests of an untested administration. Meanwhile a domestically weak Lee government may crave more U.S. reasonableness and patience in response to North Korean testing in order to avert a crisis on the peninsula.

However fluid the environment, Seoul and Washington need to adhere to some basic and core principles to minimize their differences. First, the United States must demonstrate that it remains committed to a peaceful diplomatic solution. Despite all the speculation that the hardliners in either a Republican or Democratic administration may consider coercive options and/or regime change, and notwithstanding the obligatory proclamations by any responsible leader that all options, including military, must be on the table, peaceful diplomacy is the only practical solution. Even during the George W. Bush administrations, at no time did any high-level White House official advocate or present in Six Party capitals the option of regime change, contrary to the pundits' views.

The second principle is that the DPRK nuclear problem must be dealt with through a multilateral approach. After the breakdown of the 1994 US-DPRK nuclear agreement, the view was that a return to diplomacy must integrally involve key regional players that have material influence on the DPRK, especially China. The United States cannot afford exclusive bilateral negotiations with the DPRK in which China would free-ride on US efforts to solve the problem, but refuse to support any pressure while providing backchannel aid to Pyongyang to avoid regime collapse. China's continued hosting of the Six Party talks forces them to take ownership of the problem as Chinese face becomes

integrally intertwined with preventing a nuclear North Korea. At each critical point in the crisis, U.S.-China cooperation has been important to achieving the desired outcome. This was the case with regard to China's unprecedented support for U.N. Security Council resolutions 1695 and 1718 in response to the DPRK's missile and nuclear tests in 2006. China has pressed the DPRK, moreover, in material ways that will never show up in trade figures but have had a real impact. Pyongyang's palpable distrust of Beijing is perhaps the most credible indicator of this new dynamic. A relationship once described "as close as lips and teeth" is no longer the case. Any future administration would be wise to continue to press and shape China into playing this role vis a vis the Six Party talks and North Korea.

The third enunciated principle behind U.S. policy should be to test thoroughly the DPRK's denuclearization intentions. Whatever negotiation tactics a new administration might use, they should remain consistent with the principle of systematically deciphering DPRK intentions. The guiding tenet should be to test whether DPRK is serious or just trying to socialize everyone to accepting the North as a nuclear weapons power. Some would argue that "testing" the DPRK is a bad principle because it soon becomes impossible to distinguish between diplomacy designed to test Pyongyang's intentions and unbridled appeasement to DPRK demands. For example, when the United States gradually edged into more exclusive bilateral negotiations with the DPRK toward the end of the Bush administration, critics asked whether this new format was designed to "test" DPRK intentions or merely caving to North Korean demands by a weak US administration.

How far should the next administration go to "test" the DPRK? As is often the case in the policy world, this is a judgment call made by the President and his national security team as events evolve. But the importance of the "testing" principle is that it demonstrates U.S. political commitment and patience. What Asia has always asked of the United States is to show true political will to deal with this isolated country. Doing this affords Washington much goodwill and political capital in Asia. Moreover, adhering to the principle of testing the DPRK in negotiations inoculates the U.S. from being perceived as the problem and shines the spotlight for a breakdown in the Six Party talks on the DPRK. The only conceivable circumstance under which China or South Korea (who still have the most material influence on the North) would consent to full sanctions against the DPRK is after Six Party and U.S. testing of the North has failed. In this regard, even so-called hawks in the next administration should see a continuation of the Six Party process as the vehicle that best advances U.S. interests and best positions the United States and the ROK for either the success or failure of the denuclearization project.

In sum, the new administration should not be wide-eyed optimists. Instead, they should design a strategy that systematically tests DPRK denuclearization intentions and demonstrates U.S. political commitment to the process. If Pyongyang proves to be serious, then the Six Party partners will press the negotiation harder, moving to the final phase of nuclear dismantlement. However, if Pyongyang does not fulfill its end of the agreement, then it will be clear to all where the blame sits for the breakdown of the agreement. This in turn will make it easier to build a multilateral coalition for a tougher course of action as needed.